Customize appearance

Source Can Release Excerpts Of Eminem's Controversial Rap

Federal judge rules that up to 20 seconds is allowable.
By archive-Joseph-Patel
By archive-Joseph-Patel
December 22, 2003 / 6:47 PM
A Manhattan federal judge who last week blocked *The Source* from releasing an early and controversial recording by Eminem has now allowed the magazine to go forward with limited excerpts.

Last week Judge Gerald E. Lynch, in U.S. Federal Court for the Southern District of New York, issued a temporary injunction against the hip-hop magazine (see [article id="1482925"]"Judge Halts Distribution Of Eminem's Controversial Freestyle"[/article]), which wanted to include a CD copy of an old Eminem freestyle with its February issue, which hits stands January 12.

On Monday (December 22) Lynch authorized *The Source* to release up to 20 seconds of the recording, according to a spokesperson for the magazine, saying it fell within the magazine's right to fair use for the purpose of criticism. Eminem's lawyers, in papers filed December 15, had argued *The Source*'s desire to distribute the recording amounted to copyright infringement.

Last month *The Source* unveiled the recording, in which the rapper can be heard making offensive comments about black women (see [article id="1482925"]" *The Source* Digs Up Tape Of Eminem Using Racial Slurs"[/article]). The tape was apparently procured from three people who made the recording with him.

The Source issued a statement on Monday evening heralding the judge's decision as a victory, though the magazine has yet to decide which 20-second segment of the nearly six-minute freestyle it will use. A spokesperson for Eminem had no comment.

Meanwhile, someone got a hold of three unreleased Eminem studio tracks and attempted to sell them on the online auction site eBay last week. An eBay spokesperson confirmed that the listing was made but said the company immediately took it down as per the request of Eminem's record label, Interscope, and its own company policy. Interscope and the Recording Industry Association of America participate in eBay's Verified Rights Owner program, and they work together to remove illegal listings and investigate the identities of the illegal sellers. The auction site will continue to remove the listing should it come up again, the spokesperson said.

[This story was updated on 12.23.2003 at 12:57 p.m. ET]